

**NO. 5:11-CV-00294-FL**

Defendant.

## ORDER

Case 5:11-cv-00294-FL Document 52 Filed 03/27/12 Page 1 of 2

placed inside her wallet in her purse. During a break, Plaintiff left her purse in the conference room where the deposition was taking place. Plaintiff later discovered that the business cards were missing. She states that the “court reporter was the last person in the conference room” although she does not know “if anyone else entered the room when the Plaintiff went to the restroom.” (DE-42, p.2).

Plaintiff now asks the Court to exclude her deposition from evidence because the attorney of record did not appear at the deposition and the court reporter “took an active legal stance in favor of the Defendant.”

Plaintiff’s claims are patently without merit. There is no indication in the record, beyond Plaintiff’s subjective belief, that the Robert E. Thomas, Jr. who took her deposition, *see* DE-47-1, was anyone other than counsel of record. Moreover, there is no evidence of any bad faith on the part of the court reporter. The undersigned has previously warned Plaintiff against any further efforts to impede or frustrate her deposition in this case. (DE-37).

Plaintiff’s motion to exclude her deposition from evidence (DE-42) is accordingly DENIED.

DONE AND ORDERED in Chambers at Raleigh, North Carolina on Tuesday, March 27, 2012.

  
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WILLIAM A. WEBB  
UNITED STATES MAGISTRATE JUDGE